

EXECUTIVE ORDER NO. 142

TO: All Agencies Under the Mayor
FROM: Mayor Michael B. Hancock
DATE: August 31, 2017
SUBJECT: Standing with Immigrants and Refugees: A Safe and Welcoming City for All of Denver's People

PURPOSE

Many immigrants and refugees have come to Denver because they faced extraordinary political and economic chaos in their home countries. They left their homes, extended family, friends and communities to escape violence and discrimination and have come here with the hope of a new life. Since its founding, immigrants and refugees have helped to make Denver a thriving economic and social standard-bearer. Today, Denver is home to nearly 100,000 immigrants and refugees.

In Denver, we stand for the ideals of inclusion, acceptance and opportunity. We accept all who are ready to work hard, raise families, and contribute to the fabric of a diverse and inclusive city. This Executive Order affirms Denver's commitment to stand with immigrants and refugees and maintains Denver as a welcoming city where *everyone* can feel safe and thrive.

My vision to build a world class city where everyone matters has always been rooted in inclusion and opportunity. Growing up poor in one of Denver's toughest neighborhoods, I know what it feels like to live in the margins of society and to work hard to take advantage of every opportunity this country offers.

My life experience has fueled my longstanding commitment to immigrants and refugees in Denver. As a City Councilman, I spearheaded the City's efforts to thwart predatory practices against Denver's immigrant and refugee communities. Upon becoming Mayor, I worked to elevate the voices of immigrants and refugees by creating the City's first Immigrant and Refugee Commission and International Advisory Committee. I also strengthened the work of all City commissions that help government listen to its constituents. I have always advocated for students and young workers by supporting Colorado Advancing Students for a Stronger Economy Tomorrow Bill and Deferred Action for Childhood Arrivals.

In the face of a significant change in the federal government's enforcement of immigration laws, I led the City to take three significant steps to protect our immigrants and refugees. Denver created its first-ever hate crimes penalty to send a clear message that bias-driven violence will not be tolerated. The City also created a plea by mail system to encourage community members to comply with the law from the safety and security of their home. Finally, the City changed Denver's sentencing laws to ensure that the penalty reflects the severity of the crime and to limit deportation consequences for low level offenses.

As Mayor, my most solemn responsibility is to keep all of Denver's people safe. Local government's ability to protect and serve all people is enhanced when community members feel safe coming forward as either a victim of or a witness to a crime, regardless of their legal status.

To that end, the purpose of this Executive Order is to establish Denver as a safe and welcoming city for all by:

Promoting public safety through community trust by protecting all communities to offer the safest place for all of Denver's people;

Fostering respect and trust between community members and all City officials, including law enforcement, and enhancing communication and collaboration between community members and City officials;

Ensuring all community members, the rights and liberties that are guaranteed to them by the constitutions of the United States of America and the State of Colorado; and

Offering everyone the opportunity to enjoy Denver's economic, cultural, political, and social life and providing the ability to succeed and thrive freely without fear.

This Executive Order augments City policies and applicable federal, state or City law or regulation limiting City funds or resources being directed in service of federal immigration enforcement and commands all departments, agencies, employees, officers, boards and commissions to support the success of all our people, to afford every person the privileges, rights and opportunities they earn through their hard work and contribution to our City, and to take the following actions:

- 1.0 **Applicable Authority:** The applicable authority relevant to the provisions and requirements of this Executive Order No. 142, are found in Section 2.2.1 of the Charter of the City and County of Denver, 2002 revised.

Directing the establishment of a legal defense fund

- 2.0 Access to legal representation for indigent individuals threatened with or in removal proceedings is an important tool to help the City build and sustain a diverse, equitable and economically successful community. Creating a legal defense fund furthers the City's ability to meet a core mission: the preservation of families and protection of children residing in Denver. It also promotes due process and access to justice for vulnerable members of the Denver community by providing them with access to legal advice.
- 3.0 An executive committee comprised of the Chief of Staff, the City Attorney and a member of City Council will oversee the initial stages of the legal defense fund's development until the legal defense fund is formed.
- 3.1 No later than December 31, 2017, the executive committee will make final recommendations to the Mayor as to how the City may partner through and/or with existing non-profit organizations and foundations to provide access to legal representation for indigent individuals threatened with or in removal proceedings through the legal defense fund.

- 3.2 The executive committee will oversee subcommittees comprised of subject matter experts, community representatives and City staff.
- 3.3 The subcommittees will advise the executive committee on the legal defense fund's scope and type of services to be provided, governance structure, potential funding streams (including public and private sources), best practices and such other matters related to the formation of the legal defense fund that the executive committee members deem appropriate.
- 3.4 The City Attorney's Office will provide legal support to the executive committee and its subcommittees.
- 4.0 Once the legal defense fund is formed:
 - 4.1 The legal defense fund's executive committee will be replaced by a governing body that will oversee its operations and administer grants awarded by the fund; and
 - 4.2 The legal defense fund's governing body will submit annual reports to the Mayor and City Council on all grants issued to the non-profit organizations and/or foundations that provide legal services.
- 5.0 At a minimum, the legal defense fund will operate through January 20, 2021.

Ordering the Denver Sheriff Department to no longer seek federal funds that require the gathering and dissemination of information about the national origin, immigration or citizenship status of persons held in Denver jails

- 6.0 Effective immediately, the Denver Sheriff Department will no longer seek reimbursements under the State Criminal Alien Assistance Program (SCAAP) by or through any existing contract of the City, and will refrain from seeking reimbursements in the future under SCAAP or any similar federal program, to the extent such programs require the gathering and dissemination of information about the national origin, immigration or citizenship status of persons held in Denver jails.

Partnering with immigrant and refugee communities

- 7.0 The City will establish a working group comprised of subject matter experts, community representatives and City staff to track new developments in immigration law, policy and enforcement and analyze data regarding the impact of Denver's policies in the changing immigration environment.
- 7.1 The working group will develop a list of free immigration legal service providers to be available to individuals in the community, including those in the custody of the Denver Sheriff Department.

7.2 Members of the working group may be asked to advise on ongoing issues related to language access, prevention of discrimination, criminal justice reform, release notification trends and other policy matters.

Providing equal access to City services to all of Denver's people

8.0 All departments, agencies, employees, officers, boards and commissions of the City will:

8.1 Ensure equal access to facilities, services and programs without regard to any person's national origin, immigration or citizenship status to the maximum extent permitted by law;

8.2 Foster a welcoming atmosphere for all regardless of national origin, immigration or citizenship status;

8.3 No later than October 13, 2017, make available (in multiple languages) at recreation centers, libraries, department of motor vehicles, courthouses, jails, the City and County Building, the Wellington Webb Office Building, Denver Department of Human Services and Denver International Airport, a community resource guide (as may be updated from time to time) prepared by the Agency of Human Rights & Community Partnerships for Denver's immigrant and refugee community;

8.4 Ensure that City websites and social media outlets link to such community resource guide;

8.5 Inform their staffs of the policies and practices outlined in this Executive Order and of the availability of such community resource guide; and

8.6 Encourage sharing of the information with internal and external stakeholders.

Protecting victims and witnesses of crime regardless of their national origin, immigration or citizenship status

9.0 To protect victims and witnesses of crime and hold violent offenders in our community accountable, the City will:

9.1 Continue to fully participate in the federal U-Visa program to ensure victims of crime are given the protection needed to effectively hold violent offenders accountable for their crimes;

9.2 Continue to partner, through the City Attorney's Office, with the Rose Amond Center so victims and witnesses have a safe place to be while awaiting court appearances; and

9.3 Continue to seek enhanced sentences for individuals who commit municipal crimes of hate against members of the community pursuant to applicable federal, state or City law or regulation.

Assisting children and families who become separated

- 10.0 To serve families who become separated by a broken federal immigration system, and as a result, in need of the assistance of the Child Welfare Division through the Denver Department of Human Services, the City will:
 - 10.1 Partner with foreign consulates located in Colorado to develop a plan to assist families who are impacted by threatened deportation proceedings with child placement;
 - 10.2 Develop plans to assist children who are impacted by deportation proceedings in applying for Special Immigrant Juvenile Visas;
 - 10.3 Assist children and families to access kinship placements, if appropriate, when the legal guardian or guardians are being subjected to deportation proceedings; and
 - 10.4 Develop a plan to assist with visitation between a parent and child who is in the custody of the Denver Department of Human Services when the parent has been deported and the child remains in the United States.

Protecting the rights and liberties of immigrants and refugees

- 11.0 Continue to strongly advocate that areas around and inside of schools, hospitals, places of worship (including, buildings rented for the purpose of religious services), the site of a funeral, wedding or other public ceremony, a site during the occurrence of a public demonstration (including, marches, rallies and parades) and courthouses should be respected as “sensitive locations” to ensure the fair and effective administration of justice.
- 12.0 The Denver Police Department will continue to protect all people of Denver, and those traveling through Denver, regardless of their national origin, immigration or citizenship status.
- 13.0 The City will continue to evaluate, join, and/or lead amicus curiae, or “friend of the court,” briefs on a case-by-case basis where the outcome of the case may have a meaningful impact on the legal rights and/or remedies available to immigrants and refugees in Denver.
- 14.0 The City will work closely with other government agencies and its community partners to support the resettlement and long-term success of refugees (including, refugee eligible populations) in Denver through culturally appropriate programs and services, helping promote self-sufficiency through awareness, support, education and training.
- 15.0 The City believes that refugee admittance should be a non-discriminatory process ignoring religious or political affiliation and will strongly advocate for a fair and just refugee admittance policy.

Coordinating City actions for immigrants and refugees

- 16.0 As promptly as practicable, all executive directors or heads of departments/agencies/offices will designate an immigrant affairs liaison for their respective department/agency/office, notifying the Chief of Staff of that person's name and contact information.
- 17.0 The immigrant affairs liaisons will work closely with the Chief of Staff, the City Attorney and the Agency of Human Rights & Community Partnerships to ensure departmental support in advancing and advocating for the full and active civic, social, political and economic participation of all of Denver's people.

Ensuring compliance with this executive order and applicable federal, state or City law or regulation

- 18.0 To assist City employees in complying with applicable federal, state or City law (including, § 28-250(a)(1) of the *Public Safety Enforcement Priorities Act*) or regulation, the City Attorney's Office will educate and train employees, starting with employees working in pretrial services and community corrections and uniformed members of the Denver Police Department and Denver Sheriff Department. Education and training will also be offered to County Court administrative and clerical employees, in partnership with the Denver County Court. The training will emphasize the limitations around collecting and sharing national origin, immigration and citizenship data, including sharing information pertaining to appointment times, dates or whereabouts of clients for such services with federal immigration enforcement officials from ICE, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services.
- 19.0 All executive directors or heads of departments/agencies/offices will report (as promptly as practicable) to the City Attorney any efforts made known to them by federal immigration enforcement officials from ICE, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services to enforce civil immigration laws with the cooperation, support, or use of City resources.
- 20.0 Pursuant to Career Service Rule 16-21 Compliance with Code of Ethics and Executive Orders, and applicable City law and rules and regulations of the Denver Police Department and Denver Sheriff Department, any employee or officer who violates any provision of this Executive Order will be subject to discipline up to and including termination.